

ORDINANCE NO. 3120

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE
LAND USE ORDINANCE, CHAPTER 22.106 BY AMENDING
SECTION 22.106.020D RELATING TO ALLOWABLE NUMBER OF
PARCELS ON A SPECIFIC PARCEL IN SEE CANYON

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.106.020D of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- D. **Residential Rural (RR).** The following standards apply within the Residential Rural land use category.
1. **Parcel Size - See Canyon (A).** The minimum parcel size for new land divisions in the Residential Rural land use category located in See Canyon (A and B) (see Figure 106-2) is 10 acres.
 2. **Standards - See Canyon (B).** The following standards apply to development and division of Parcels 1-3 of Parcel Map CO 96-0085 as shown on Figure 106-2 as See Canyon (B).
 - a. **Building envelopes.** Designated building envelope(s) shall be required for each allowable lot. The building envelope(s) shall be located outside of the oak and chaparral covered slopes and environmentally sensitive areas, so as to minimize the following types of impacts: oak tree and other vegetation removal, topographic alteration (for both access roads and building sites), and visual impacts. The building envelope(s) shall not extend beyond the existing grassland/pasture area.
 - b. **Riparian setbacks.** The designated building envelope(s) shall be at least 50 feet from the edge of the riparian corridor. The only activities allowed within 50 feet of the edge of the riparian corridor are those related to approved erosion control, necessary access and revegetation.
 - c. **Water supply.** The Tentative Map application shall include evidence that adequate water is available on the site(s), including a static and recovery pump test that shows an adequate recovery time for each well proposed to serve the land division. If a shared well is used to serve the proposed parcels, an agreement shall be recorded that specifies each parcel's right to the water.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and

has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 15th day of May, 2007, by the following roll call vote, to wit:

AYES: Supervisors James R. Patterson, Bruce S. Gibson, Harry L. Ovitt,
K.H. 'Katcho' Achadjian, Chairperson Jerry Lenthall

NOES: None

ABSENT: None

ABSTAINING: None

JERRY LENTHALL

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: **C.M. CHRISTENSEN** Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.

County Counsel

—
By:  Deputy County Counsel

Dated: 5.7.07